

Docket 13DV-13913

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M.S. Lamphere et al)
 Application No.: 09/994,342)
 Confirmation No: 9845)
 Filed: 11/26/2001)
 Title: Tandem Blisk
 Electrochemical Machining)

Art Unit: 1742

Examiner: Wilkins, H.

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Mail Stop Non-Fee Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is a Petition under 37 CFR 1.181(a) to withdraw the holding of abandonment found in the office action dated 5/14/2004 for failing to reply to the Office letter mailed on 25 September 2003.

The following showing is being presented in accordance with MPEP 711.03(c) to support this Petition based on failure to receive the 9/25/2003 office action.

The undersigned attorney is a sole practitioner, and the only person handling docketing matters including receipt of mail correspondence, docketing thereof, file management, and

CERTIFICATE OF TRANSMISSION (37 CFR 1.8a and MPEP 512)

I hereby certify that this 4-PAGE correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at Fax No. 703-872-9306 on the transmission date indicated below.

FRANCIS L. CONTE

(Name of person transmitting paper)

(Signature of person transmitting paper)

18 MAY 2004

(Date)

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prosecution of such correspondence.

I state that I did not receive the 25 September 2003 Office letter identified in the 5/14/2003 office action; although I did receive that 5/14/2003 office action, as well as the preceding 8/12/2003 office action, for which an amendment response was timely filed by fax on 8/19/2003.

I attest to the fact that I have made a search of the file jacket (i.e. file folder) for the subject application filed under its 13DV-13913 docket number, and that the missing 9/25/03 office action is not contained therein.

I further attest to the fact I have searched my docket record where the nonreceived Office communication would have been entered had it been received, and that the 9/25/03 office action is not contained therein, and therefore was not received.

I further attest that in the last decade of solo practice, this matter appears to be the first instance of not receiving from the USPTO an official correspondence relating to a pending patent application in which a notice of abandonment has been made.

I further attest that it is a virtual certainty that I did not receive the missing office action and that it is practically impossible to have lost the missing office action after receipt, because all incoming business mail is handled solely by me, immediately placed on my work desk for further handling, and all office actions are promptly recorded manually in a sequential, master docket record - and then immediately placed in the file jacket (folder) therefor, and that file jacket is not returned to general file storage, but is instead placed in a conspicuous local storage on the credenza adjacent to my work desk until the office action is timely handled, after which time the file jacket is finally returned to general file storage in a file cabinet therefor.

Attached hereto is a copy of my docket record, which

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includes the complete listing of twenty-eight (28) office actions for the full year 2003, with listed items 28 and 29 being irrelevant.

The docket record has been redacted to remove confidential client information, fee, and work time (hour) information, which, again, does not appear relevant to this petition.

The docket record lists at No. 17 the first office action dated 8/12/03, and its response date of 8/19/03; and includes all received office actions through the end of the year 2003, including the three months following the 9/25/03 mailing date of the missing office action.

The docket record also lists at No. 31 the next entry as being received on 3/1/04, which entry is crossed out, and moved to page 21 of the docket record as more accurately being the first received entry in 2004.

Accordingly, withdrawal of the Notice of Abandonment is warranted and is requested; and remailing of the missing 9/25/03 office action is requested.

Respectfully submitted,



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Date: 18 MAY 2004

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Attachment: Single page No. 20 "Amendments" (docket record)

AMENDMENTS